

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION**

THIS DOCUMENT APPLIES TO:

2:14-cv-06640

MDL No. 2002

Case No. 08-md-2002

JOINT STIPULATION OF DISMISSAL PURSUANT TO RULE 41(a)(1)(A)(ii)

WHEREAS, Plaintiff Marsh Supermarkets, LLC ("Plaintiff") filed a Complaint on November 18, 2014 against Defendants Cal-Maine Foods, Inc., Michael Foods, Inc., Ohio Fresh Eggs, LLC, R.W. Sauder, Inc., Rose Acre Farms, Inc., United States Egg Marketers, Inc., and United Egg Producers, Inc. (the "Litigation").

WHEREAS, Michael Foods, Inc., Ohio Fresh Eggs, LLC, R.W. Sauder, Inc., Rose Acre Farms, Inc., United States Egg Marketers, Inc., and United Egg Producers, Inc. filed responses to the Complaint on January 20, 2015.

WHEREAS, as of the date on which this stipulation was entered, six defendants remained in this Litigation: Michael Foods, Inc., Ohio Fresh Eggs, LLC, R.W. Sauder, Inc., Rose Acre Farms, Inc., United States Egg Marketers, Inc., and United Egg Producers, Inc. (the "Remaining Defendants").

WHEREAS, Plaintiff now seeks to dismiss voluntarily its claims against the Remaining Defendants and join the putative direct purchaser class action. Plaintiff has agreed that it will not refile an individual action against any of the Remaining Defendants.

NOW THEREFORE, the parties hereby **STIPULATE** and **AGREE** as follows:

1. Plaintiff voluntarily dismisses its claims against Michael Foods, Inc., Ohio Fresh Eggs, LLC, R.W. Sauder, Inc., Rose Acre Farms, Inc., United States Egg Marketers, Inc., and United Egg Producers, Inc. pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).
2. This dismissal is *with prejudice* with respect to Plaintiff refile an individual action against Michael Foods, Inc., Ohio Fresh Eggs, LLC, R.W. Sauder, Inc., Rose Acre Farms, Inc., United States Egg Marketers, Inc., and United Egg Producers, Inc., or acting as a direct purchaser class representative.
3. This dismissal is *without prejudice* with respect to Plaintiff joining the putative direct purchaser class action as a class member.
4. Each party will bear its own costs, expenses and attorneys' fees relating to this Litigation.

Dated: April 8, 2015

/s/ Brian C. Hill
Bernard D. Marcus
Moira Cain-Mannix
Brian C. Hill
MARCUS & SHAPIRA LLP
One Oxford Center, 35th Floor
301 Grant Street
Pittsburgh, PA 15219
(412) 471-3490
Counsel for Plaintiff Marsh Supermarkets LLC

Dated: April 8, 2015

/s/ Carrie Mahan Anderson
Carrie Mahan Anderson
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street NW
Washington, DC 20005
Telephone: (202) 682-7000
Facsimile: (202) 857-0940
-and-
William L. Greene
Douglas R. Boettge
STINSON LEONARD STREET LLP
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Telephone: (612)335-1500
Facsimile: (612) 335-1657
Counsel for Defendant Michael Foods, Inc.

Dated: April 8, 2015

/s/ Joseph M. Callow, Jr.

Joseph M. Callow, Jr.
KEATING MUETHING & KLEKAMP PLL
One East Fourth St.
Suite 1400
Cincinnati, Ohio 45202
Phone: (513) 579-6419
Fax: (513) 579-6457
Counsel for Defendant Ohio Fresh Eggs, LLC

Dated: April 8, 2015

/s/ Christine C. Levin

Joseph A. Tate
Christine C. Levin
DECHERT LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104
Tel: 215-994-2421
Fax: 215-994-2222
Counsel for Defendant R.W. Sauder, Inc.

Dated: April 8, 2015

/s/ Donald M. Barnes

Donald M. Barnes
John C. Monica, Jr.
PORTER, WRIGHT, MORRIS & ARTHUR, LLP
1900 K Street, NW, Suite 1110
Washington, DC 20006
Telephone: (202) 778-3056
Facsimile: (202) 778-3063
Counsel for Defendant Rose Acre Farms, Inc.

Dated: April 8, 2015

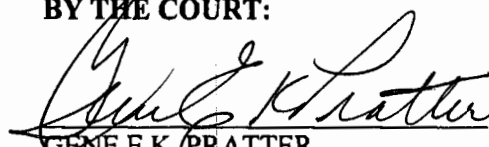
/s/ Jan P. Levine

Jan P. Levine
Robin P. Sumner
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103
Phone: (215) 981-4000
Fax: (215) 981-4750
Counsel for Defendants United Egg Producers, Inc., and United States Egg Marketers, Inc.

IT IS SO ORDERED.

Dated: April 10, 2015

BY THE COURT:


GENE E.K. PRATTER
United States District Judge